MONTANA LEGISLATIVE HISTORY

Chapter 170 1991

Bill H 109 S _____ Original bill & history ✓C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	1/14	C	Hearing Date(s)	~~1/23~~	C
		C		3/08	C
		C			C
		C			C
Date Out	1/15	C		3/08	

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

3/27 SIGNED BY GOVERNOR
CHAPTER NUMBER 204 EFFECTIVE DATE: 10/01/91

HB 106 INTRODUCED BY HARRINGTON
ALLOW LOCAL OPTION GAMBLING BY HOME RULE COUNTIES

1/05 INTRODUCED
1/05 FISCAL NOTE REQUESTED
1/05 REFERRED TO LOCAL GOVERNMENT
1/07 FIRST READING
1/12 FISCAL NOTE RECEIVED
1/15 FISCAL NOTE PRINTED
2/14 HEARING
2/19 TABLED IN COMMITTEE

HB 107 INTRODUCED BY J. JOHNSON, ET AL.
REVISE SAFETY INSTRUCTION REQUIREMENTS FOR ISSUANCE OF A BOW & ARROW LICENSE

1/05 INTRODUCED
1/05 REFERRED TO FISH & GAME
1/07 FIRST READING
1/17 HEARING
1/18 COMMITTEE REPORT—BILL PASSED AS AMENDED
1/23 REREFERRED TO FISH & GAME
2/02 COMMITTEE REPORT—BILL PASSED AS AMENDED
2/05 2ND READING PASSED 71 28
2/07 3RD READING PASSED 82 18

TRANSMITTED TO SENATE
2/08 FIRST READING
2/08 REFERRED TO FISH & GAME
3/12 HEARING
3/15 COMMITTEE REPORT—BILL CONCURRED
3/16 2ND READING CONCURRED 29 14
3/18 3RD READING CONCURRED 40 9

RETURNED TO HOUSE
3/23 SIGNED BY SPEAKER
3/25 SIGNED BY PRESIDENT
3/25 TRANSMITTED TO GOVERNOR
3/29 SIGNED BY GOVERNOR
CHAPTER NUMBER 217 EFFECTIVE DATE: 3/01/92

HB 108 INTRODUCED BY J. RICE
REVISING SCIENCE AND TECHNOLOGY BOARD ORGANIZATION, FUNDING, AND PROGRAMS
BY REQUEST OF GOVERNOR

1/05 INTRODUCED
1/05 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
1/07 FIRST READING
1/10 BILL WITHDRAWN

HB 109 INTRODUCED BY BROOKE
PROVIDE VICTIM AND WITNESS ASSISTANCE IN JUVENILE FELONY CASES

1/05 INTRODUCED
1/05 FISCAL NOTE REQUESTED
1/05 REFERRED TO JUDICIARY
1/07 FIRST READING
1/11 FISCAL NOTE RECEIVED
1/14 FISCAL NOTE PRINTED
1/14 HEARING
1/15 COMMITTEE REPORT—BILL PASSED
1/17 2ND READING PASSED 97 0

1/19	3RD READING PASSED	93	0
	TRANSMITTED TO SENATE		
1/21	FIRST READING		
1/21	REFERRED TO JUDICIARY		
1/31	HEARING		
3/08	HEARING		
3/08	COMMITTEE REPORT—BILL CONCURRED		
3/12	2ND READING CONCURRED	49	0
3/13	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/21	SIGNED BY PRESIDENT		
3/22	TRANSMITTED TO GOVERNOR		
3/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 170	EFFECTIVE DATE: 7/01/91	

HB 110 INTRODUCED BY GILBERT

AMEND LAW RELATING TO THE REGULATION OF BLOOD AND URINE TESTING

1/05	INTRODUCED		
1/05	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
1/07	FIRST READING		
2/12	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	96	0
2/26	3RD READING PASSED	97	0
	TRANSMITTED TO SENATE		
2/27	FIRST READING		
2/27	REFERRED TO JUDICIARY		
3/21	HEARING		
3/23	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/26	2ND READING CONCURRED	48	1
3/27	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/08	2ND READING AMENDMENTS CONCURRED	95	1
4/09	3RD READING AMENDMENTS CONCURRED	95	1
4/12	SIGNED BY SPEAKER		
4/13	SIGNED BY PRESIDENT		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 477	EFFECTIVE DATE: 4/20/91	

HB 111 INTRODUCED BY CODY

CLARIFY BOARD OF NURSING AUTHORIZATION FOR PRESCRIPTIVE AUTHORITY

1/07	INTRODUCED		
1/07	REFERRED TO HUMAN SERVICES & AGING		
1/07	FIRST READING		
1/18	HEARING		
1/19	COMMITTEE REPORT—BILL PASSED		
1/22	2ND READING PASSED	99	0
1/24	3RD READING PASSED	96	0
	TRANSMITTED TO SENATE		
1/25	FIRST READING		
1/25	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/13	HEARING		
3/14	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/16	2ND READING CONCURRED	49	0
3/18	3RD READING CONCURRED	49	0

HOUSE BILL NO. 109

INTRODUCED BY BROOKE

IN THE HOUSE

JANUARY 5, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 7, 1991	FIRST READING.
JANUARY 15, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	PRINTING REPORT.
JANUARY 17, 1991	SECOND READING, DO PASS.
JANUARY 18, 1991	ENGROSSING REPORT.
JANUARY 19, 1991	THIRD READING, PASSED. AYES, 93; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 21, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 8, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 12, 1991	SECOND READING, CONCURRED IN.
MARCH 13, 1991	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 109

INTRODUCED BY BROOKE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING VICTIMS AND WITNESSES OF JUVENILE FELONY OFFENSES THE SAME SERVICES AND ASSISTANCE THAT MUST BE PROVIDED TO THE VICTIMS AND WITNESSES OF CRIME; REQUIRING THE ATTORNEY GENERAL TO ASSURE THAT VICTIMS AND WITNESSES OF JUVENILE FELONY OFFENSES ARE PROVIDED THE SAME SERVICES AND ASSISTANCE AS THE VICTIMS AND WITNESSES OF CRIME; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** **Victims and witnesses of juvenile felony offenses.** (1) The services and assistance that must be provided under this chapter to a victim or witness of a crime must also be provided to the victim or witness of a juvenile felony offense.

(2) The attorney general shall assure that a victim or witness of a juvenile felony offense is provided the same services and assistance required under this chapter for the victim or witness of a crime.

(3) For purposes of this section, "juvenile felony offense" means an offense committed by a juvenile that, if committed by an adult, would constitute a felony offense. The term includes any offense for which a juvenile may be declared a serious juvenile offender, as defined in 41-5-103.

NEW SECTION. **Section 2.** **Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 46, chapter 24, part 2, and the provisions of Title 46, chapter 24, part 2, apply to [section 1].

NEW SECTION. **Section 3.** **Effective date.** [This act] is effective July 1, 1991.

-End-

HB 0109/01

INTRODUCED BILL
HB 109

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0109, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing victims and witnesses of juvenile felony offenses the same services and assistance that must be provided to the victims and witnesses of crime; and requiring the Attorney General to assure that victims and witnesses of juvenile felony offenses are provided the same services and assistance as the victims and witnesses of crime.

ASSUMPTIONS:

1. Victims of juvenile felony offenses already are provided with information about the availability of crime victim compensation.

FISCAL IMPACT:

No impact on state revenues or expenditures.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The act will have no identified impact on local revenues or expenditures.

Rod Sundsted 1-11-91

ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Vivian M. Brooke 1/12/91

VIVIAN M. BROOKE, PRIMARY SPONSOR DATE

Fiscal Note for HB0109, as introduced

HB 109

REP. TOOLE asked **REP. CODY** if it is the intent of this bill to have a home study procedure and counciling required for all agencies, that you believe not to be required by the law at this time. **REP. CODY** stated that was correct.

Closing by Sponsor:

REP. CODY stated it is an extra big issue but also a human issue. The committee has the opportunity as a Judicial Committee to do the right thing in adoption laws by passing this legislation. This legislation is extremely necessary because adoption services are very important to many people. It is important that we state, as a legislative body, we are concerned about the children, the natural parents, and the adoptive parents interests. We cover all of this in the three pieces of legislation we have talked about today and have done it in a manner that will benefit all the citizens we represent.

HEARING ON HB 109
PROVIDE VICTIM AND WITNESS ASSISTANCE IN JUVENILE FELONY CASES

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BROOKE, HOUSE DISTRICT 56, stated this bill is an act providing victims and witnesses of juvenile felony offenses the same services in the system that must be provided to victims and witnesses of crimes. The primary purpose of the fund is to provide financial assistance to innocent victims of a crime. If a crime results in a death, funeral expenses up to $2000.00 is covered. This gives you an idea of what we are after with this bill. At this time, the Crime Victims Fund has been treating the juvenile felony victims as eligible, but it is not clearly spelled out in code that these victims are covered.

Proponents' Testimony:

Candy Wimmer, Montana Board of Crime Control, stated this bill will extend to victims of juvenile felonies the same notification process that are available to victims of adult crimes, that primarily will be a function of the county attorney's office, will keep victims of crimes informed about judicial process going on with the offenders. They will have the opportunity to appear before the court and discuss the potential disposition of the juvenile. It should not affect the victims compensation benefits that are available. Juvenile offenders need to see the victimization they create with the people they perpetrate crimes with.

Richard Meeker, Chief Officer Juvenile Probation Officer Association - Helena, representing the Montana Juvenile Probation Officer's Association stated that this bill will help to keep the victims informed of their rights and help them to understand what is happening to them. We support HB#109.

Bill Fleiner, Montana Sheriff's Department, stated he supports HB# 109. This bill provides support in an ongoing effort to provide witnesses acting responsible by stepping forward and reporting what they see to the law enforcement agency and support the victims whose privacy is invaded by the perpetrators of criminal activity.

Opponents' Testimony: none

Questions From Committee Members:

REP. MESSMORE asked where the money for the Crime Victims Fund come from? **REP. BROOKE** said it comes from restitution of criminal cases and some federal funds.

REP. RUSSELL asked **Candy Wimmer** if these funds have a time limit on requesting them? **Candy Wimmer** stated there was a time limit but she wasn't sure what it is.

REP. MEASURE asked **REP. BROOKE** is there a plan to expand the amount of restitution juvenile perpetrators might have to make or might be responsible or his parents be responsible for as for restitution? **REP. BROOKE** stated there is not any intent to expand that restitution by juvenile offender.

Closing by Sponsor:

REP. BROOKE stated this bills goal is to increase victim awareness among juvenile offenders and it would be primarily to have those be more aware of the affect of their crime.

HEARING ON HB #135

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE LEE, HOUSE DISTRICT 49, stated this bill helps if a person is indigent and if there is a proceeding and he isn't able to make that deposit, he is able to participate in and go through the procedure without making any kind of deposit.

Proponents' Testimony: none

Opponents' Testimony: none

Questions From Committee Members:

REP. RICE asked **JOHN MACMASTER** how we determine when a person is indigent? **MR. MACMASTER** said he wasn't sure because they haven't had this type of thing in the law before. I assume that the indigent person would just file some type of petition seeing that he is already involved.

EXECUTIVE ACTION ON HB #135

Motion: REP. LEE MOVED HB 135 DO PASS.

Discussion:

REP. RICE asked JOHN MACMASTER if the committee should add a sentence to verify if the person is indigent before we waive the filing fees. Mr. MacMaster thought this would be a good idea.

Motion/Vote: REP. RICE moved to amend HB 135. EXHIBIT 5 Motion carried.

Motion/Vote: REP. GOULD MOVED HB 135 DO PASS AS AMENDED. Motion carried.

EXECUTIVE ACTION ON HB #109

Motion/Vote: REP. GOULD MOVED HB 109 DO PASS. Motion carried.

EXECUTIVE ACTION ON HB #25

Motion: REP. BOHARSKI MOVED HB 25 DO PASS. Motion carried 18 to 2 with Rep's: Measure and Johnson voting no.

EXECUTIVE ACTION ON HB #36

Motion: REP. BOHARSKI MOVED HB 36 BE RECONSIDERED. Motion failed.

ADJOURNMENT

Adjournment: 11:40 a.m.

BILL STRIZICH, Chair

JEANNE DOMME, Secretary

BS/jmd

JU011491.HM1

VISITORS' REGISTER

House Judiciary COMMITTEE

BILL NO. HB# 109 DATE 1-14-91

SPONSOR ~~Rep.~~ Rep. Brooke

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Bill Fleiner	Mont Sheriff's & Peace Office Assoc.	✓	
Richard Meeker	Juv. Prob. Officer Assoc.	✓	
Candy Wimmer	MBCC	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HEARING ON HOUSE BILL 109

Presentation and Opening Statement by Sponsor:

Representative Vivian Brooke, District 56, said HB 109 clarifies that victims and witnesses in juvenile felony offenses are entitled to compensation.

Proponents' Testimony:

Candy Wimmer, Board of Crime Control and Youth Services Advisory Council, said juveniles should be responsible for harm caused, and that it will benefit the victim to have input to the justice system, as well as causing the offender to be aware of the pain he or she has caused the victim.

Opponents' Testimony:

There were no opponents of the bill.

Questions From Committee Members:

Senator Towe asked how juvenile confidentiality would be affected by the bill. Candy Wimmer replied that once a juvenile is charged confidentiality is not affected.

Closing by Sponsor:

Representative Brooke made no closing comments, but asked the Committee to assign someone to carry the bill.

EXECUTIVE ACTION ON HOUSE BILL 109

Motion:

Senator Towe made a motion that HB 109 BE CONCURRED IN.

Discussion:

There was no discussion.

Amendments, Discussion, and Votes:

There were no amendments.

Recommendation and Vote:

The motion made by Senator Towe carried unanimously. Senator Towe was asked to carry the bill.

ADJOURNMENT

Adjournment At: 12:47 p.m.

Senator Dick Pinsoneault, Chairman

Joann T. Bird, Secretary

DP/jtb